

**Testimony of David Gray, Acting Regional Administrator,
U.S. Environmental Protection Agency, Region 6
Before the Texas House Environmental Regulation Committee and the
Texas House Homeland Security & Public Safety Committee
Intercontinental Terminals Company, LLC, Deer Park, TX, April 5, 2019**

Good morning Chairman Nevárez, Chairman Lozano, and fellow Committee members. I am David Gray, Acting Regional Administrator for the United States Environmental Protection Agency (EPA) Region 6, which covers the State of Texas, as well as Arkansas, Louisiana, New Mexico, Oklahoma, and 66 Tribal Nations. I am here today to speak directly about EPA's response to the impacts of the Intercontinental Terminals Company (ITC or Responsible Party) tank fire. Thank you for inviting me to participate in this important conversation.

On March 17, 2019, EPA deployed a Federal On-Scene Coordinator to oversee the Responsible Party's response to the tank fire. EPA joined the Texas Commission on Environmental Quality (TCEQ), the United States Coast Guard (USCG), the Harris County Pollution Control Services, and ITC in Unified Command to respond to this incident.

On March 23, 2019, in consultation with TCEQ, EPA issued the Responsible Party an Administrative Order requiring the facility to comply with a broad Scope of Work, prescribing such efforts as securing the facility to prevent further discharge of chemicals, conducting spill response, and removal of the discharged chemicals and efforts to prevent further hazardous air releases. As of today, EPA continues to oversee ITC's efforts to carry out the work pursuant to that Administrative Order.

I visited the site on April 1, 2019 and accompanied TCEQ and USCG on an overflight of the tank

farm, Tucker Bayou, and the Houston Ship Channel to gain a firsthand perspective of both the work that has been done and the tasks Unified Command has left to complete. One of the most noteworthy aspects of the ITC fire response was the positive and collaborative relationship between EPA and the State of Texas. During any response effort we work closely with our state partners and it is apparent that the collective strength of our efforts is greater than the sum. By augmenting state resources where needed and providing specialized monitoring capabilities, together we quickly addressed the many challenges presented by the ITC fire. Throughout the response, EPA worked together with TCEQ and local officials to assess the air and water quality in and around the Deer Park area and adjacent communities, including Manchester, Galena Park, Channelview, and La Porte.

Some of our highlighted efforts include forming air monitoring strike teams that mobilize and collect over 1,000 instantaneous air monitor readings downwind and around the ITC facility and gather approximately 120 water samples in the Tucker Bayou and Houston Ship Channel. We share this information with the State of Texas and local officials to provide information to use for local decisions and actions.

After 32 years of working at EPA, I have learned that there are some key aspects to ensuring a successful response, including:

Exercises: EPA plans for emergency events by conducting exercises to prepare. These exercises allow EPA to develop and test response proficiencies and are often conducted in conjunction with States, industry, and local jurisdictions. Federal Statutes and regulations, such as the Oil Pollution Act and the National Contingency Plan, call for both Area Committees and facilities that

are subject to Facility Response Plans to utilize exercises to better prepare for oil spills and emergency events.

Coordination: EPA cultivates our long-standing cooperative relationship with the State of Texas and other emergency response agencies by keeping the lines of communication open. When EPA is notified of a spill or release, one of our first calls is to our state counterparts to begin that coordination, which allows for efficient use of both State and Federal resources. This relationship fosters a clear path for success, ultimately benefitting the citizens impacted by an emergency.

Experienced Staff: An effective response requires experienced responders who can address unforeseen circumstances swiftly and effectively, and the necessity of proficient responders should not be underestimated. Experienced responders should be the first “boots on the ground” to provide the most efficient assistance to our communities.

Right Equipment: During the ITC fire response, EPA deployed assets to assist with response efforts that were not available elsewhere. EPA often responds to reports of environmental impacts from plumes or air emissions that may be dangerous to the community. EPA deployed the Trace Atmospheric Gas Analyzer, or TAGA. TAGA is a self-contained mobile laboratory capable of real-time sampling that can provide outdoor air quality results quickly. The TAGA monitored the ambient air in the communities surrounding and downwind of the ITC facility, and as of today, covered over 2500 miles with more than 400,000 data points in the Houston area. Results from the TAGA laboratory did not detect actionable air emissions from the ITC fire.

During the fire, EPA also utilized the Airborne Spectral Photometric Environmental Collection

Technology (ASPECT) aircraft for air sampling. The ASPECT was able to fly above the ITC plant during and after the fire and reignitions to ascertain if there was any immediate danger to those downwind from the plant. ASPECT flew over 20 flights and over 44 hours throughout the area. This data has been invaluable in assessing risks quickly and responding appropriately to this incident. No other parties involved have available technology on par with the ASPECT.

If EPA did not have access to these tools, our response and the dissemination of information to the public would have been much less informative and robust. EPA assets such as these are critical to effective preparedness and response.

EPA assets remain activated as the Agency continues to respond to the ITC fire. I have seen the Agency continue to hone its capabilities, learn from each response, and apply the lessons learned as we are faced with new challenges. We are utilizing the tools available to us and are taking additional steps to make data available to the public. One way we are keeping the public informed is through the Story Map Resource, which was created by EPA, in coordination with the TCEQ. The Story Map shows sampling data by location, allowing the public to see what is being measured in their community. EPA continues to work with our states, local governments, and federal agencies to develop innovative methods to improve each response.

While each response has its own unique challenges, we remain flexible to address individual needs. I am very proud of EPA and other responders when called to duty in these times of need.

I am happy to answer any questions about this great collaborative effort.